

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested. Claims 1 - 17 and 19 - 55 are currently pending. Claims 30, 35 and 42 have been amended. Claim 18 has been previously canceled. No new matter has been added by this Amendment, and the amendments either place the claims in condition for allowance or at least in better form for Appeal.

Applicant would like to thank the Examiner for the courtesies extended to Applicant's Representative in a personal interview on November 3, 2006 and telephone interview on January 3, 2007. In accordance with MPEP §713.04, and as required on the Examiner's Interview Summaries of November 3, 2006 and January 3, 2007, submitted concurrently herewith are separate Statements of Substance of Interview for each interview.

Claim 37 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully disagrees and traverses the rejection. Claim 37 recites that the "cured panel contains shrapnel between the elastomeric panel and the surface of the structure." Applicant believes that the Examiner has misinterpreted the above claim language, which clearly states that the panel contains shrapnel between the panel and the structure surface and which is described on page 12 (*see*, third and fourth full paragraphs) and page 13 (*see*, titles on Tables 2, 3 & 4). In other words the panel holds/keeps any shrapnel that may come off the structure surface between the panel and the structure surface. Exhibit A, which is attached hereto, is a print-out of a definition of the word "contain" from the Free Online Dictionary that clearly shows the definition of "contain" to include "3.a. To hold or keep within limits; restrain; . . ." and "6. contain – hold back, as of a danger or an enemy; check the expansion or influence of; . . .". Therefore, nothing in

the claim language indicates “a panel containing shrapnel” as asserted by the Examiner. Accordingly, the Examiner is respectfully requested to formally withdraw the §112, first paragraph, rejection of Claim 37.

Claim 35 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended Claim 35 to overcome the rejection and now recites: “said channel is adapted to be fastened to an interior surface of said structure.” Therefore, the Examiner is respectfully requested to formally withdraw the §112, second paragraph, rejection of Claim 35.

Claims 1, 2, 6, 7, 12, 14, 15, and 19 are rejected under 35 U.S.C. 103(a) as being anticipated by United States Patent Number 6,898,907, formerly United States Patent Application Publication Number 2002/0184841 (Diamond ‘907) in view of United States Patent Number 6,289,642 (Diamond ‘642). Applicant respectfully traverses the rejection.

Regarding Claim 1, Claim 1 recites, *inter alia*:

“spraying a layer of an elastomeric material to form a blast resistant panel of a predetermined thickness in the range of about 100 mil to about 250 mil; and

once cured, securing said blast resistant panel to a surface of said structure so that the blast resistant panel extends from at least two opposing edges of the surface of said structure.”

The Examiner’s assertion that Diamond ‘907, and specifically elements “920A or 920B only, not both layers 920B and 920A” (emphasis added) show the “spraying a layer of an elastomeric material to form a blast resistant panel of a predetermined thickness in the range of about 100 mil to about 250 mil” is incorrect and without basis. Layers 920A and 920B are two separate layers that are required to make up the complete embodiment of the invention shown in FIG. 14 of Diamond ‘907. There is no teaching, suggestion or motivation in Diamond ‘907 that would lead one of skill in the art to deconstruct the invention in Diamond ‘907 as suggested by the Examiner.

See, *Carston Manufacturing Co. v. Cleveland Golf Company*, 242 F.3rd 1376 (Fed. Cir. 2001) – in holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have lead a person of ordinary skill in the art to select the references and combine them in a way that would produce the claimed invention. In addition, by deconstructing the invention in Diamond ‘907 as suggested by the Examiner, the Examiner has rendered the invention in Diamond ‘907 to be inoperative for its intended purpose, since the minimum required thickness for any embodiment of the invention in Diamond ‘907 is 0.5 inches or 500 mil, which is twice the thickness recited in Claim 1. “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2nd 900, 221 USPQ 1125 (Fed. Cir. 1984)” (MPEP § 2143.01).

Diamond ‘907 also does not teach or suggest forming a “blast resistant panel of a predetermined thickness in the range of about 100 mil to about 250 mil; and . . . securing said blast resistant panel to a surface of said structure so that the blast resistant panel extends from at least two opposing edges of the surface of said structure.” Instead, Diamond ‘907 forms a compressible structure with a minimum thickness of 0.5 inches (500 mil) that is to be temporarily positioned over glass panes in a window that is disposed in a wall in a building to cushion and absorb forces from high winds and wind-borne debris to protect the glass panes from shattering and damage (*see*, Diamond ‘907, Paragraphs [0003] and [0009]). As a result, Diamond ‘907’s compressible structure does not extend from at least two opposing sides of the surface of the structure, as recited in Claim 1.

While the invention in Diamond '907 operates to temporarily protect the glass pane from damage (i.e., breaking) due to storms and wind-borne debris, it is **not** a blast resistant panel as recited in Claim 1. In fact, the compressible structure in Diamond '907 would itself become shrapnel, if an explosion as described in the instant Application were to occur near a building with the compressible structure over the glass panes. There is no teaching or suggestion in Diamond '907 or Diamond '642 that the compressible structure therein is a blast resistant panel having a thickness in the range of between 100 mil and 250 mil or that the compressible structure extends from at least two opposing edges of the surface of the structure. Therefore, the §103(a) rejection of Claim 1 is believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103(a) rejection of Claim 1 and Claims 2, 6, 7 and 12 that depend therefrom.

Regarding Claim 14, Claim 14 recites, *inter alia*:

“A blast-resistant panel comprising:

a cured layer of a sprayed elastomeric material having a predetermined thickness in the range of about 100 mil to about 250 mil, and

fastener elements for securing said cured layer to a surface of a structure so that the cured layer extends from at least two opposing edges of the surface of said structure.”

In contrast, and as discussed above in relation to Claim 1, the fact that the Examiner's modification of Diamond '907 renders it inoperative for its intended purpose means that there is no suggestion or motivation to make the proposed modification. Likewise, the compressible structure in Diamond '907 is not a “blast resistant panel having a predetermined thickness in the range of about 100 mil to about 250 mil, and fastener elements for securing said cured layer to a surface of a structure so that the cured layer extends from at least two opposing edges of the surface of said structure,” as recited in Claim 14. The compressible structure in

Diamond '907 is a cushion that acts to prevent the shattering or fracturing of the glass pane underneath the compressible structure, it is not a blast-resistant panel and there is no disclosure or suggestion in Diamond '907 that the compressible structure would function as one. Therefore, for at least those same reasons given above for Claim 1, the rejection of Claim 14 is also believed to be overcome, and the Examiner is respectfully requested to formally withdraw the rejection of Claim 14 and claims 15 and 19 that depend therefrom.

Regarding Claim 19, Claim 19 recites, *inter alia*:

“the blast resistant panel has a thickness of about 180 mil.”

Contrary to the Examiner's assertion, neither the claimed 100-250 mil range in Claim 14 (originally in original Claim 18, now canceled), which equals 0.1-0.25 inches, or the claimed 180 mil thickness of Claim 19, which equals 0.18 inches, falls within the 0.5 to 12 inch range disclosed in Diamond '907 or Diamond '942.

Therefore, because each and every element of Claim 19 is not disclosed by the Diamond '907 and Diamond '942 combination, the Examiner has failed to satisfy the initial burden of proving a *prima facie* case of obviousness of Claims 18 and 19, and the Examiner is respectfully requested to formally withdraw the rejection of Claim 19.

Accordingly, the Examiner is respectfully requested to formally withdraw the Section 103(a) rejection of and issue a Notice of Allowance for Claims 1, 2, 6, 7, 12, 14, 15, and 19.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond '907 in view of Diamond '642 and further in view of Fyfe (United States Patent Number 6,806,212) and both depend from independent Claim 1. Applicant respectfully traverses the rejection. Diamond '642 and Fyfe, both individually and in combination, fail to make up for the deficiency of Diamond '907 and also fail to teach

or suggest all of the elements of Claim 1. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claim 1, the §103(a) rejection of Claims 3 and 8 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 3 and 8.

Claims 4, 5, 9, 10, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond '907 in view of Diamond '642 and further in view of Fyfe and variously depend from independent Claims 1 and 14. Applicant respectfully traverses the rejection. Diamond '642 and Fyfe, alone or in combination, fail to make up for the deficiency of Diamond '907 and also fail to teach or suggest all of the elements of Claims 1 and 14. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claims 1 and 14, the §103(a) rejection of Claims 4, 5, 9, 10, and 20-22 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 4, 5, 9, 10, and 20-22.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond '907 in view of Diamond '642 and further in view of Makami et al. (United States Patent Number 4,478,895) and both depend from independent Claim 1. Applicant respectfully traverses the rejection. Diamond '642 and Makami et al. , alone or in combination, fail to make up for the deficiency of Diamond '907 and also fail to teach or suggest all of the elements of Claim 1. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claim 1, the § 103(a) rejection of Claims 11 and 13 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 11 and 13.

Claim 16 is rejected under 35 USC 103(a) as being unpatentable over Diamond '907 in view of Diamond '642 and further in view of Fyfe and depends from independent Claim 14. Applicant respectfully traverses the rejection. Diamond '642 and Fyfe, alone or in combination, fail to make up for the deficiency of Diamond '907 and also fail to teach or suggest all of the elements of Claim and 14. Claim 16 contains similar language to that of Claims 3 and 8, therefore, for at least those reasons given above in relation to Diamond '907 for independent Claim 14 and dependent Claims 3 and 8, the § 103(a) rejection of Claim 16 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 16.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond '907 in view of Diamond '642 and further in view of Makami et al. and depends from independent Claim 14. Applicant respectfully traverses the rejection. Diamond '642 and Makami et al., alone or in combination, fail to make up for the deficiency of Diamond '907 and also fail to teach or suggest all of the elements of Claim 14. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claim 14, the § 103(a) rejection of Claim 23 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 23.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond '907 in view of Fyfe and further in view of Makami et al. and ultimately depends from independent Claim 14. Applicant respectfully traverses the rejection. Fyfe and Makami et al., alone or in combination, fail to make up for the deficiency of Diamond '907 and also fail to teach or suggest all of the elements of Claim and 14. Therefore, for at least those reasons given above in relation to Diamond '907 for

independent Claim 14, the § 103(a) rejection of Claim 24 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 24.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond '907 in view of Diamond '642, Fyfe and Makami et al. and further in view of Benedict et al. (United States Patent Number 5,681,612) and ultimately depend from independent Claim 14. Applicant respectfully traverses the rejection. Diamond '642, Fyfe, Makami et al. and Benedict et al., alone or in combination, fail to make up for the deficiency of Diamond and also fail to teach or suggest all of the elements of Claim 14. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claim 14, the § 103(a) rejection of Claims 25 and 26 are also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 25 and 26.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being anticipated by United States Patent Number 5,347,775 to Santos in view of Diamond '907 and claim 17 depends from Claim 14. Applicant respectfully traverses the rejection. The Examiner admits that Santos fails to teach or suggest all of the elements of Claim 14 and, as discussed above in relation to Claims 1 and 14, the Examiner's deconstruction of Diamond '907 renders it inoperative for its intended purpose. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claims 1 and 14, the § 103(a) rejection of Claims 14 and 17 are also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 14 and 17.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 6,269,597 to Haas in view of United States Patent

Number 5,811,719 to Madden Jr. and further in view of Diamond '907 and Claim 28 depends from independent Claim 27. Applicant respectfully traverses the rejection.

Regarding Claim 27, Claim 27 recites, *inter alia*:

one or more flexible, blast-resistant panels having a predetermined thickness in a range between about 100 mil and 250 mil and constructed of an elastomeric material sprayed onto a fabric reinforcing layer,

said one or more flexible, blast-resistant panels having a steel channel fastened around a periphery thereof; and

a plurality of fasteners adapted to fasten said steel channel and said one or more flexible, blast-resistant panels to a wall of said structure so as to cover the wall of the structure with said one or more flexible, blast-resistant panels.

The Examiner admits that Haas fails to teach or suggest all of the elements of Claim 27. In addition, Madden Jr. and Diamond '907, alone or in combination, fail to teach all of the elements of Claim 27, and, as discussed above in relation to Claims 1 and 14, the Examiner's deconstruction of Diamond '907 renders it inoperative for its intended purpose. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claims 1 and 14, the § 103(a) rejection of Claims 27 and 28 are also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 27 and 28.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haas in view of Madden Jr. and Diamond '907 and further in view of United States Patent Number 6,907,811 to White and Claim 29 depends from independent Claim 27.

Applicant respectfully traverses the rejection. The Examiner admits that Haas fails to teach or suggest all of the elements of Claim 27. In addition, Madden Jr., Diamond '907, and White, alone or in combination, fail to teach or suggest all of the elements of Claim 27, and, as discussed above in relation to Claims 1 and 14, the Examiner's deconstruction of Diamond '907 renders it inoperative for its intended purpose.

Therefore, for at least those reasons given above for independent Claims 1 and 14, the § 103(a) rejection of Claim 29 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 29.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haas in view of Diamond '907. Applicant has amended Claim 30 to overcome the rejection.

Regarding Claim 30, Claim 30 has been amended to recite, *inter alia*:

a flexible, blast-resistant panel of a sprayed elastomeric material having a predetermined thickness in the range of about 100 mil to about 250 mil;

a channel attached around a periphery of the flexible, blast-resistant panel; and

a plurality of fasteners to fasten said channel to a surface of a structure, the flexible, blast-resistant panel sized to extend across and cover an area between opposing sides of the surface of the structure.

In contrast, as described above for Claim 27, neither Haas nor Diamond '907, alone or in combination, teach or suggest forming “a flexible blast resistant panel of a sprayed elastomeric material having a predetermined thickness in the range of about 100 mil to about 250 mil” (emphasis added) that is “sized to extend across and cover an area between opposing sides of the surface of the structure”, as recited in Claim 30, and, as discussed above in relation to Claims 1 and 14, the Examiner’s deconstruction of Diamond '907 renders it inoperative for its intended purpose. Therefore, the §103(b) rejection of independent Claim 30 is believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103(b) rejection of Claim 30.

Claims 31-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas in view of Diamond '907 and further in view of Madden Jr.

and further in view of White (United States Patent Number 6,907,811) and Claims 31-35 and 37 depend from independent Claim 30. Applicant respectfully traverses the rejection. Diamond '907 and Madden Jr., alone or in combination, fail to make up for the deficiency of Haas and also fail to teach or suggest all of the elements of Claim 27, and, as discussed above in relation to Claims 1 and 14, the Examiner's deconstruction of Diamond '907 renders it inoperative for its intended purpose. Therefore, for at least those reasons given above in relation to independent Claims 1, 14 and 27, the §103(a) rejection of Claims 31-35 and 37 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 31-35 and 37.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haas in view of Diamond '907 and depends from independent Claim 30. Applicant respectfully traverses the rejection. Diamond '907 fails to make up for the deficiency of Haas and also fails to teach or suggest all of the elements of Claim 30, and, as discussed above in relation to Claims 1 and 14, the Examiner's deconstruction of Diamond '907 renders it inoperative for its intended purpose. Therefore, for at least those reasons given above in relation to Diamond '907 for independent Claims 1, 14 and 30, the §103(a) rejection of Claim 36 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 36.

Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haas in view of Diamond '907 and Claim 38 depends from independent Claim 30 and Claims 39-41 depend from Claim 38. Applicant respectfully traverses the rejection. Diamond '907 fails to make up for the deficiency of Haas and also fails to teach or suggest all of the elements of Claim 30, and, as discussed above in relation to Claims

1 and 14, the Examiner's deconstruction of Diamond '907 renders it inoperative for its intended purpose. Therefore, for at least those reasons given above in relation to Haas for independent Claims 1, 14 and 30, the §103(a) rejection of Claims 38-41 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 38-41.

Claims 42-45 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartzell et al. (United States Patent Number 3,522,140) and Claims 43-45 and 47-50 depend from independent Claim 42. Applicant has amended Claim 42 to overcome the rejection.

Regarding Claim 42, Claim 42 has been amended and now recites, inter alia:

positioning a reinforcing fabric material against a molding surface,
the reinforcing fabric material including warp and fill yarns
defining an open grid pattern with openings of up to about 0.5
inches by 0.25 inches and a tensile strength of about 1200 psi by
1200 psi.

Contrary to the Examiner's assertion, Hartzell et al. fails to teach or suggest "positioning a reinforcing fabric material against a molding surface, the reinforcing fabric material including warp and fill yarns defining an open grid pattern with openings of up to about 0.5 inches by 0.25 inches and a tensile strength of about 1200 psi by 1200 psi" (emphasis added), as recited in Claim 42. In fact, Hartzell et al. actually teaches that using fabric and woven materials with interstices that permit penetration of the foam through the fabric is not desirable. (*See*, column 2, lines 58-66.) Likewise, Hartzell et al. is completely silent as to the size of the openings. As a result, Hartzell et al. teaches away from the use of a "reinforcing fabric material including warp and fill yarns defining an open grid pattern" and does not disclose "openings of up to about 0.5 inches by 0.25 inches," as recited in Claim 42. Therefore, the §103(a) rejection of Claim 42 is believed to be overcome.

Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 42 and Claims 43 and 45 and 47-50 that depend from Claim 42.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartzell et al. and depends from independent Claim 42. Applicant respectfully traverses the rejection. For at least those reasons given above in relation to Hartzell et al. for independent Claim 42, the §103(a) rejection of Claim 46 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 46.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartzell et al. and depends from independent Claim 42. Applicant respectfully traverses the rejection. For at least those reasons given above in relation to Hartzell et al. for independent Claim 42, the §103(a) rejection of Claim 51 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 51.

Claims 52 and 55 are rejected under 35 U.S.C. 103(a) was being unpatentable over Haas in view of Madden Jr. and further in view of Fyfe and Claim 55 depends from Claim 52. Applicant respectfully traverses the rejection.

Regarding Claim 52, Claim 52 recites, *inter alia*:

a cured, blast-resistant panel of a sprayed elastomeric material having a fabric reinforced layer embedded therein, the cured, blast-resistant panel having a predetermined thickness between about 100 mil and about 250 mil, a percent elongation at break in a range of about 400-800% and a tensile strength of about 2000 psi or greater, the fabric reinforcing layer being substantially planar and including warp and fill yarns defining an open grid pattern with openings of up to about 0.5 inches by 0.25 inches and a tensile strength of about 1200 psi by 1200 psi.

Contrary to the Examiner's assertions, at a minimum, there is no teaching or suggestion in Haas, Madden Jr. or Fyfe that would motivate one of skill in the art to

create the combination, or to believe that the “storm window panel” in Haas is blast-resistant, or that Madden Jr. discloses the fiber layer being an open grid pattern. “The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)” (*see*, MPEP §2143.01). In the present case, the prior art does not teach or suggest the desirability of the claimed combination. Likewise, “[i]t is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” (*See, In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, ____, (Fed. Cir. 1992), citing *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991)). Despite this prohibition, hindsight is exactly what the Examiner used to “piece together” this rejection. In addition, Madden Jr. or Fyfe, alone or in combination, fail to make up for the deficiency of Haas and also fail to teach or suggest all of the elements of Claim 52. Therefore, the Haas, Madden Jr. and Fyfe combination fails to teach or suggest “a cured, blast-resistant panel of a sprayed elastomeric material having a fabric reinforced layer embedded therein, the cured, blast-resistant panel having a predetermined thickness between about 100 mil and about 250 mil, a percent elongation at break in a range of about 400-800% and a tensile strength of about 2000 psi or greater, the fabric reinforcing layer being substantially planar and including warp and fill yarns defining an open grid pattern with openings of up to about 0.5 inches by 0.25 inches and a tensile strength of about 1200 psi by 1200 psi”, as recited in Claim 52. Accordingly, the Examiner is respectfully requested to formally withdraw the §103(a) rejection of Claim 52 and Claims 53-55 that depend therefrom.

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haas in view of Madden Jr. and Fyfe and further in view of United States Patent Number 4,562,666 to Young, III and Claim 53 depends from independent Claim 52.

Applicant respectfully traverses the rejection. The “channel system 17” alleged by the Examiner is actually a “square washer 17” (*see*, column 2, line 65) that is neither a “channel subsystem” nor is it “attached around a periphery of the cured panel,” as recited in Claim 53. In addition, Madden Jr., Fyfe, and Young, III fail to make up for the deficiency of Haas and also fail to teach or suggest all of the elements of Claim 52. For at least the reasons stated here and those reasons given above in relation to Haas, Madden Jr. and Fyfe for independent Claim 52, the §103(a) rejection of Claim 53 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 53.

Claim 54 is rejected under 35 USC 103(a) as being unpatentable over Haas in view of Madden Jr. and further in view of Fyfe and Claim 54 depends from independent Claim 52. Applicant respectfully traverses the rejection. For at least those reasons given above in relation to Haas, Madden Jr. and Fyfe for independent Claim 52, the §103(a) rejection of Claim 54 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 54.

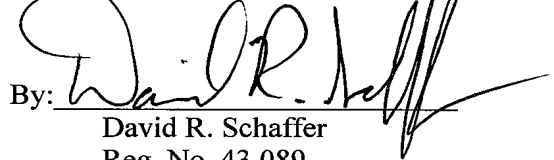
Therefore, all of the grounds of rejection under 35 U.S.C. § 103(a) are believed to be overcome and withdrawal of the rejections is respectfully requested. Accordingly, Applicant believes that the claims are now allowable and respectfully requests that the Examiner issue a Notice of Allowance for all of the currently pending claims.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T3572-908375US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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